

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

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BY: *[Signature]*
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Crim. No. 7:92CR00135

ORDER


By: Hon. James C. Turk
Senior United States District Judge

ADJUDGED AND ORDERED

It is further **ORDERED** that Nance's Request for Judicial Notice, ECF No. 260, is hereby **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255. The Clerk is **DIRECTED** to redocket the motion as a § 2255 motion. Additionally, the § 2255 motion is hereby **DENIED** without prejudice as successive and should be **STRICKEN** from the active docket of the court. Finally, a Certificate of Appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Nance and to counsel of record for the Respondent.

ENTER: This 15th day of February, 2013.


James C. Turk
Senior United States District Judge